

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ARYANNA E. OCASIO and MICHELL
OCASIO,

Plaintiffs,

v.

JAMES STILL, SAND DOLLAR
SPECIALIZED & HEAVY HAUL, JOHN
DOES 1-10 and ABC Corps 1-10,
individually, jointly, severally and/or in the
alternative

Defendants.

CIVIL ACTION NO.:

JURY TRIAL DEMANDED

**DEFENDANTS JAMES STILL AND SAND DOLLAR SPECIALIZED & HEAVY
HAUL'S NOTICE OF REMOVAL**

Defendants James Still and Sand Dollar Specialized & Heavy Haul (hereinafter referred to as "Defendants") files this Notice of Removal pursuant to 28 U.S.C. §1441(a) and (b) to remove this action from the Superior Court of New Jersey, Law Division, Gloucester County, where it is now pending, to the United States District Court for the District of New Jersey. Defendant, in support thereof, states as follows:

1. A Civil Action has been brought against Defendants by the Plaintiffs Aryanna E. Ocasio and Michell Ocasio ("Plaintiffs") and is pending in the Superior Court of New Jersey, Law Division, Gloucester County, docket number GLO-001015-20. A copy of Plaintiff's Complaint is attached hereto as Exhibit "A."
2. The State Court wherein this action was originally filed is located in Gloucester County, New Jersey, which is embraced within this jurisdictional district.

3. Removal from the Superior Court of New Jersey Law Division, Gloucester County is proper under 28 U.S.C. §§1441(a) and (b), which authorizes the removal of any civil action of which the District Courts of the United States has original jurisdiction and if “none of the parties in interest properly joined and served as a defendant is a citizen of the state in which such action is brought.”
4. This Court has original jurisdiction over the subject matter under 28 U.S.C. §1332 as the parties in interest properly joined and served are citizens of different states, and the matter in controversy exceeds \$75,000.00 as set forth below.
5. Specifically, in the alleged accident that is the subject of Plaintiff’s Complaint, Plaintiffs claim that on December 21, 2018, as a result of the negligence of the Defendants, Plaintiffs were caused to sustain severe personal injuries which include permanent loss of use of a body member, significant limitation of a bodily function and/or such serious injuries which prevent Plaintiffs and will prevent Plaintiffs from performing their usual activities and will in the future force plaintiffs to incur medical expenses in the care and treatment of said injuries and has been and will in the future cause plaintiffs to be unable to continue with their normal course of activities. See Exhibit “A,” First Count, ¶3, Second Count ¶4, Fourth Count ¶3, Fifth Count ¶4.
6. With respect to the serious, severe and disabling injuries that Plaintiffs claim they suffered as a result of her Complaint, Defendants have learned through investigation and/or discovery that Plaintiff Michell Ocasio has allegedly incurred \$40,700.08 in medical expenses to date as a result of this accident. Plaintiff Aryanna Ocasio has allegedly incurred \$21,184.12 in medical expenses to date as a result of this accident.

7. Plaintiffs also demands judgment against Defendants, for damages sustained, together with interest and costs of suit. See Exhibit “A,” Wherefore Clause.
8. In order to clarify the amount of damages at issue, Defendants served Plaintiffs with a stipulation to limit damages to \$75,000, and advised that if this was not signed, Defendants would remove this matter to the Federal Court. See correspondence of October 13, 2020, attached as Exhibit “B.”
9. On October 20, 2020, Defendants’ Counsel contacted Plaintiff’s counsel to ask whether or not he objected to removal of this matter to Federal Court. Plaintiff’s Counsel stated that he would not sign the stipulation to limit damages and did not object to Removal. See correspondence of October 20, 2020 and October 21, 2020, attached as Exhibit “C.”
10. As such, based on the serious and permanent personal injury claims, significant medical treatment and loss of occupation that Plaintiffs claims have resulted from the negligence, of Defendants, and that Plaintiffs have refused to sign a Stipulation Limiting Damages to \$75,000, it is Defendants position that Plaintiffs are seeking an amount in excess of \$75,000 and this Court does not have to guess as to whether this Court’s jurisdictional threshold has been met. See Exhibits “A”-“C.”
11. Furthermore, removal is proper as the parties are citizens of different states, as Plaintiffs are a citizen of New Jersey and both Defendants James Still and Sand Dollar Specialized & Heavy Haul are citizens of Delaware. See Exhibit “A.”
12. Further this removal is timely, as Plaintiffs’ Complaint was filed on or about September 21, 2020, and Defendants were served or otherwise received the Complaint on or about October 5, 2020. This Notice of Removal is being timely filed within 30 days of service

on Defendants (or receipt by Defendants) of the Complaint, and within one year of the filing of the Complaint, pursuant to 28 U.S. Code § 1446.

13. Thus, removal from the Superior Court of New Jersey, Law Division, Gloucester County is proper under 28 U.S.C. §1441(a) and (b).
14. This Court has original jurisdiction over the subject matter under 28 U.S.C. §1332 as the parties are citizens of different states, and the matter in controversy exceeds \$75,000 as set forth above. Based on Plaintiffs' claims for serious and permanent personal injuries, medical expenses, and significant medical treatment, that Plaintiffs have refused to sign a Stipulation to Limit Damages to \$75,000, and Plaintiffs consent to Removal, it is Defendants' position that Plaintiffs are seeking an amount in excess of \$75,000, and this Court does not have to guess as to whether Plaintiffs are seeking an amount in excess of \$75,000.
15. Based on the foregoing, the requirements of 28 U.S.C. §1441(a) and (b), 1446 and 1332 have been satisfied and the within matter is properly removable.

WHEREFORE, Defendants James Still and Sand Dollar Specialized & Heavy Haul respectfully request that the State Action be removed from the Superior Court of New Jersey, Law Division, Gloucester County to the United States District Court for the District of New Jersey.

Dated: October 21, 2020

/s/ Chimdi G. Tuffs

Chimdi G. Tuffs, Esq. (146222015)

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Attorneys for Defendants James Still and
Sand Dollar Specialized & Heavy Haul

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**RULE 7.1 CORPORATE DISCLOSURE
STATEMENT**

**Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, the undersigned counsel
for Defendant Sand Dollar Specialized & Heavy Haul certifies that:**

_____ This party's parent corporation, and all publicly held corporations owning 10% or
more of this party's stock, are listed here:

OR:

___X___ This party does not have a parent corporation, nor is there any publicly held
corporation that owns 10% or more of this party's stock.

Dated: October 21, 2020

/s/ Chimdi G. Tuffs

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CERTIFICATE OF SERVICE

I, Chimdi G. Tuffs, Esq., hereby certify that a true and correct copy of the foregoing Notice of Removal, supporting documents, and Jury Demand were filed with the Court and served on all counsel of record via email on this 21st day of October 2020.

Dated: October 21, 2020

/s/ Chimdi G. Tuffs

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**NOTICE OF APPEARANCE ON BEHALF
OF DEFENDANTS JAMES STILL AND
SAND DOLLAR SPECIALIZED &
HEAVY HAUL**

PLEASE TAKE NOTICE that the undersigned counsel hereby enters an appearance as counsel of record on behalf of Defendants James Still and Sand Dollar Specialized & Heavy Haul in the above-entitled action.

PLEASE TAKE FURTHER NOTICE that copies of all papers served in this matter should be served upon the undersigned.

Dated: October 21, 2020

/s/ Chimdi G. Tuffs

Chimdi G. Tuffs, Esq. (146222015)

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**JURY DEMAND ON BEHALF OF
DEFENDANTS JAMES STILL AND
SAND DOLLAR SPECIALIZED &
HEAVY HAUL**

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 38, the
Defendants James Still and Sand Dollar Specialized & Heavy Haul hereby demand a Jury trial in
this matter, on all issues triable by jury.

Dated: October 21, 2020

/s/ Chimdi G. Tuffs

Chimdi G. Tuffs, Esq. (146222015)

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